THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21360 of 2005

Dated 30.09.2005

Between:

Dummula Pandu Raju, S/o. Chinnalamma,
R/o. Nellipudi (V), Gangavaram (M), E.G.District.

..... PETITIONER

AND

1 Additional Agent to the Govt., E.G.District at Rampachodavaram.
and others.

.....RESPONDENT(S)

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21360 of 2005

Oral Order:

The petitioner is in possession of an extent of Ac.18.93 cents of land in S.No.58 and 66 of Nellipudi village, Gangavaram Mandal, East Godavari District, which is in the schedule area. Alleging that the enjoyment of the land by the petitioner is in contravention of the provisions of the A.P. Scheduled Areas Land Transfer Regulations Act 1 of 59 read with Regulation 1 of 70, the Special Deputy Collector (TW) Rampachodavaram, the 2nd respondent, initiated proceedings in LTRP No.198 of 2004. Through a common order dated 14.12.2004, he disposed of LTRP No.198 of 2004 and several other matters holding that the petitioner and other similarly situated persons are the encroachers of the Government land. The petitioner states that he presented an appeal before the 1st respondent together with an application for stay and alleges that no orders have been passed thereon. The grievance of the petitioner is that even while the matter is under consideration by the 1st respondent,

the 3rd respondent is taking steps to dispossess him from the land in question.

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare.

The petitioner states that he availed the remedy of appeal against the order dated 14.12.2004 in LTRP No.198 of 2004. The record, however, discloses that the petitioner has sent the appeal through certificate of posting. The same cannot be treated as a proper presentation of the appeal. The petitioner ought to have presented the appeal in person and complied with the objections, if any, pointed out by the concerned authorities. Mere sending of the memorandum of appeal through a certificate of posting cannot be treated as a proper method of presenting the appeal. The interests of the petitioner need to be protected, in case the remedy of appeal is availed.

Therefore, the writ petition is disposed of directing that in case the petitioner presents an appeal in person or through a recognized agent, in person, before the 1st respondent together with an application for stay, the operation of the order in LTRP No.198 of 2004 dated 14.12.2004 passed by the 2nd respondent shall remain stayed for a period of 4 weeks from the date of such presentation and the 1st respondent, in turn shall pass orders on the application for stay, within that period. There shall be no order as to costs.

30..09..2005

msv.